

# ENVIRONMENT AGENCIES' GUIDANCE ON SUITABILITY OF RADIOACTIVE WASTE ADVISERS

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## 1 Executive Summary

- 1.1 This document explains that a Radioactive Waste Adviser must be suitable for the particular permit holder that appoints them and that it is the permit holder's responsibility to determine suitability. It gives some guidance on how a permit holder might determine the suitability of a Radioactive Waste Adviser.

## 2 Introduction

- 2.1 This guidance explains how the environment agencies consider suitability of a Radioactive Waste Adviser (RWA) may be assessed by a permit holder. This guidance applies to individual Radioactive Waste Advisers and Corporate Radioactive Waste Advisers.
- 2.2 Any reference in this guidance to a Radioactive Waste Adviser who has been assessed as competent should take account of the transitional arrangements given in the Environment Agencies' Statement on Radioactive Waste Advisers. This means that a Radioactive Waste Adviser may not be approved by an Assessing Body but may be eligible for grandfather rights which have equal status during the transition period.
- 2.3 An individual who has been assessed as competent by an approved Assessing Body may be recognised as a Radioactive Waste Adviser but it is the permit holder's responsibility to select a Radioactive Waste Adviser who has the necessary knowledge and experience to make them **suitable** to give advice on radioactive waste management and environmental radiation protection in relation to the permit holder's business. Similarly, a nuclear permit holder with approved Self-Assessing Corporate Arrangements who appoints a Corporate Radioactive Waste Adviser needs to ensure that the Corporate Radioactive Waste Adviser is suitable to advise on the permit holder's business.
- 2.4 To simplify the description of the different legislation that applies to radioactive waste management in England and Wales and in Scotland and Northern Ireland, throughout this document we use the term "Radioactive Waste Legislation" (RWL). This term refers to the Environmental Permitting Regulations 2010 (EPR 2010) and the

Radioactive Substances Act 1993 (RSA93). Furthermore, any references to a “permit” means a permit issued under EPR 2010 for England and Wales, and/or a registration or authorisation issued under RSA93 in Scotland or Northern Ireland.

### 3 What is a suitable Radioactive Waste Adviser (RWA)?

3.1 A suitable Radioactive Waste Adviser (RWA) is a Radioactive Waste Adviser who has “the specific knowledge, experience and competence required for giving advice on the particular radioactive waste management and environmental radiation protection issues for which the permit holder is making the appointment.”

**Suitable RWA = RWA (certificate of competence) + Specific knowledge, experience and competence**

What is required?	The RWA has demonstrated to an Assessing Body that he or she meets the environment agencies' competence requirements based on the Radioactive Waste Adviser syllabus	The RWA has demonstrated to the permit holder that he or she has sufficient understanding, based on knowledge, experience and competence to give advice on that permit holder's business
Who sets the standard?	The environment agencies	The permit holder
Who has to be satisfied?	The Assessing Body	The permit holder
Proof?	Valid Certificate of Competence awarded in the last 5 years	The RWA's work history

3.2 To be suitable for a particular permit holder the RWA needs to demonstrate that they have gained knowledge, experience and competence in the same, or a similar, business to the permit holder's business so that the RWA can give relevant advice.

3.3 Permit holders that employ more than one RWA may decide to employ an individual who has been assessed as a competent RWA but who does not currently have the knowledge and experience to make them suitable for the permit holder's business. The permit

holder may develop the RWA so that they become suitable and only then will the RWA be appointed as a RWA for the permit holder.

- 3.4 To become suitable for a particular permit holder, a RWA may attend training courses and/or carry out work to gain experience specifically designed to make the RWA suitable for the permit holder's business.
- 3.5 A RWA who is suitable for one permit holder may not be suitable for another permit holder. This is no different to a permit holder choosing any other consultant to help his business based on the consultant's qualifications and CV, i.e. proven competence plus relevant history and experience.
- 3.6 The RWA can be an employee of the permit holder, an employee of a business related to the permit holder or an external consultant.
- 3.7 Radioactive Waste Legislation and associated permits do not impose any duties specifically on the RWA; the permit holder has the legal duty to comply with the legislation and permit conditions. The environment agencies have produced separate guidance on the Roles and Responsibilities of Permit Holders and Radioactive Waste Advisers.

#### **4 Who is responsible for determining suitability?**

- 4.1 Decisions on the suitability of a RWA are the responsibility of the permit holder. Permit holders must put in place arrangements to ensure that any RWAs they appoint are suitable and use these arrangements to determine the suitability of any RWA appointed.
- 4.2 The arrangements in place for the permit holder to assess suitability and the suitability of the RWAs that the permit holder has appointed may be scrutinised by the environment agencies as part of the routine inspection process.

#### **5 Factors to take into account when determining suitability**

- 5.1 There are a number of factors that a permit holder needs to take into account when determining suitability. These include, but are not limited to, the RWA:

- a. Having a current certificate of competence issued by an approved Assessing Body;
- b. Demonstrating from their working history that they have appropriate experience of the permit holder's business in relation to radioactive waste management and environmental radiation protection. Whether this experience is appropriate depends on the nature and length of the experience and how recent it is;
- c. Demonstrating that they have given advice commensurate with the level and scope of advice required by the permit holder; and
- d. Having communication skills that will allow the RWA to communicate effectively with the permit holder.